

Inventor(s): Darrell R. Anderson et al.

Appl. No.: 09 383,916

Series Code ↑

Serial No. ↑

Filed: August 26, 1999

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

REPLY/AMENDMENT/LETTER

Group Art Unit 1644

Examiner: P. Gambel

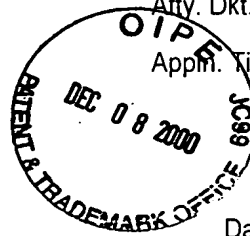
Atty. Dkt. PM

M#

Client Ref

Appm. Title: Human B7.1-Specific Primatized
Antibodies and Transfectomas
Expressing Said Antibodies

23522-0792



Date: December 8, 2000

TECH CENTER 1600/2300

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim A. <input type="checkbox"/> NOT made B. <input type="checkbox"/> Withdrawn C. <input type="checkbox"/> made herewith D. <input checked="" type="checkbox"/> made previously		For B & C See Required Separate Paper (Pat-256)		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm	
2. Total Effective Claims				**minus	0	0	x \$18/\$9 =	+ \$0	103/203	
3. Independent Claims				***minus	0	0	x \$80/\$40 =	+ \$0	102/202	
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)							add	+ \$260/\$130 =	+ \$0	104/204
5. Original due Date: November 20, 2000				<input type="checkbox"/> NONE						
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached				(1 mo) (2 mos) (3 mos) (Usable only for ≤ 2mo.OA --- 4 mos) (Usable only for 30 day/1mo.OA --- 5 mos)	\$110/\$55 = \$390/\$195 = \$890/\$445 = \$1390/\$695= \$1890/\$945=	+ \$55			115/215 116/216 117/217 118/218 128/228	
7. Enter any previous extension fee paid since above original due date and subtract							- \$0			
8. Extension Fee Attached							+ \$55			
9. If Terminal Disclaimer attached, add Rule 20(d) official fee							+ \$110/\$55	+ \$0	148/248	
10. If IDS attached requires Official Fee under Rule 97 (c),							+ \$180	+ \$0	126	
or if Rule 97(d) Request							+ \$180		126	
11. After-Final Request Fee per rules 129(a) and 17(r)							+ \$710/355	+ \$0	146/246	
12. No. of additional inventions for examination per Rule 129(b)							x \$710/355 ea	+ \$0	149/249	
13. Request for Continued Examination (RCE)							+ \$710/355	+ \$0	1179/1279	
14. Petition fee for							+ \$0			
15. TOTAL FEE ENCLOSED =							\$55			

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

12/11/2000 BHABTEW 00000004 09383916

Our Deposit Account No. 03-3975)

(Our Order No. _____

C#

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01 FC:215

55.00 0P

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Madison & Sutro LLP
Intellectual Property Group

By Atty: Robin L. Teskin

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NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of:

Darrell R. Anderson et al.

Application No. 09/383,916

Filed: August 26, 1999

For: HUMAN B7.1-SPECIFIC
PRIMATIZED ANTIBODIES AND
TRANSFECTOMAS EXPRESSING
SAID ANTIBODIES



Group Art Unit: 1644

Examiner: P. Gambel

Harry
Dec. 23, 2000 RECEIVED

DEC 18 2000

TECH CENTER 1600/2800

ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Restriction Requirement dated October 20, 2000,
Applicants elect with traverse Group II, directed to a method of treatment using an antibody.

Also, in order to comply fully with the Restriction Requirement, Applicants further
elect the following species:

- (i) as the antibody, Applicants elect one that specifically binds B7.1 antigen;
- (ii) as the disease treated, Applicants elect an autoimmune disorder; and
- (iii) as the specific autoimmune disorder, Applicants elect psoriasis.

The traversal is on the basis that the search required for all autoimmune disorders
would be substantially co-extensive. Also, the traversal is on the basis that the mechanism of
action of the subject antibody, which is intrinsically related to their efficacy as therapeutic
agents for treating autoimmune disorders, is the same for all diseases treated. In fact, in this
regard Applicants respectfully advise that an earlier patent, U.S. Patent 5,885,579, issued to
Bristol Myers Squibb relating to anti-B7 antibody therapy, which names Peter Linsley as the

inventor, and contains generic therapeutic method claims which are not limited to any particular disease.

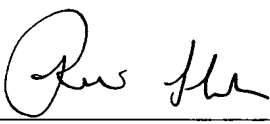
Therefore, Applicants respectfully submit that there is precedent with respect to issuance of generic therapeutic method claims directed to therapeutic use of antibodies having binding specificity for B7.1 antigen.

A Request for Extension of Time (five months) and the appropriate government fee is also attached herewith.

It is believed that this is a complete Reply to the outstanding Restriction Requirement and election of species. However, if any issues remain outstanding, the Examiner is respectfully requested to contact the undersigned attorney of record so that prosecution may be expedited.

Respectfully submitted,

PILLSBURY, MADISON & SUTRO, L.L.P.

By: 
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Date: December 8, 2000